

KURANO ET AL. - 09/645,619
Client/Matter: 008312-0273762

REMARKS

Claims 1-4 and 11-22 are pending. By this Amendment, claims 19-22 are added. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Claims 1-4 and 11-18 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,654,543 to Ando et al. ("Ando") in view of U.S. Patent No. 5,630,006 to Hirayama et al. ("Hirayama") and U.S. Patent 6,278,837 to Yasukochi et al. ("Yasukohchi"). This rejection is respectfully traversed.

This application was filed August 25, 2000. Accordingly, the amendments to 35 U.S.C. § 103(c), effective November 29, 1999, apply.

Ando et al. issued November 25, 2003 from U.S. Application 09/939,582, filed August 28, 2001, which was a divisional of U.S. Application 09/643,985, filed August 23, 2000, now U.S. Patent 6,549,721, which was a continuation of PCT/JP99/00795, filed February 23, 1999. Accordingly, Ando et al. qualify as prior art only under 35 U.S.C. § 102(e).

Ando et al. are assigned on their face to Kabushiki Kaisha Toshiba. This application is assigned to Kabushiki Kaisha by way of an Assignment recorded August 25, 2000, at Reel/Frame 011039/0038. The undersigned certifies that at the time of the invention, the subject matter of the instant application and the subject matter of Ando et al. were commonly owned by, or subject to an obligation of assignment to, Kabushiki Kaisha Toshiba. Accordingly, Ando et al. cannot be used in a rejection under 35 U.S.C. § 103(a). See MPEP § 706.02(l)+.

Reconsideration and withdrawal of the rejection based upon the combination of Ando and Hirayama and Yasukohchi are respectfully requested.

Applicants respectfully submit that claims define subject matter that is patentable over the prior art cited of record. It is respectfully submitted that the application is in condition for allowance. Should further issues require resolution prior to allowance, the Examiner is requested to telephone the undersigned at the number below.

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Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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